

**REMARKS**

The Examiner is kindly requested to confirm that the drawings filed on January 21, 2005 have been accepted.

In Paragraph No. 2 of the Office Action, claims 1-19 are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-8 of U.S. Patent 6,835,240 (“the ‘240 patent”).

Applicants submit herewith a Terminal Disclaimer to obviate this rejection.

Reconsideration and withdrawal of the obviousness-type double patenting rejection of claims 1-19 based on claims 1-8 of the ‘240 patent are respectfully requested.

In Paragraph No. 3 of the Office Action, claims 1-6 and 8-9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-5 and 8-9 of copending Application No. 09/767,727 (US 2001/0029869) (“the ‘727 application”).

Applicants note that the ‘727 application issued as U.S. Patent No. 6,582,502 on June 24, 2003.

Applicants submit herewith a Terminal Disclaimer relative to U.S. Patent No. 6,582,502 to obviate this obviousness-type double patenting rejection.

The Examiner is respectfully requested to reconsider and withdraw the obviousness-type double patenting rejection of claims 1-6 and 8-9 based on claims 1-5 and 8-9 of the copending ‘727 application (now U.S. Patent No. 6,582,502).

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In Paragraph No. 4 of the Office Action, claims 1-19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-20 of copending Application No. 10/471,650 (US 2004/0089200) (“the ‘650 application”).

The ‘650 application issued as U.S. Patent No. 7,108,743 on September 19, 2006.

Applicants submit herewith a Terminal Disclaimer relative to U.S. Patent No. 7,108,743 to obviate this obviousness-type double patenting rejection.

Reconsideration and withdrawal of the obviousness-type double patenting rejection based on claims 1-19 of the copending ‘650 application (now U.S. Patent No. 7,108,743) are respectfully requested.

In Paragraph No. 5 of the Action, claims 1-19 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Fujiwara et al. (WO 02/083795) (“WO ‘795”).

In the present Amendment, claim 1 has been amended to incorporate the subject matter of claim 6. Thus, claim 1 now recites that the magenta dye is a dye of Formula (1). Claims 2, 3 and 6 have been canceled. Still further, claims 18 and 19 have been amended to use proper Markush language.

No new matter has been added and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 1, 4-5 and 7-19 will be pending.

WO ‘795 was filed April 8, 2002 and published on October 24, 2002 (in English and designating the U.S.), prior to the January 23, 2003 effective U.S. filing date of the present

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application. Thus, WO '795 has a § 102(a) date of October 24, 2002, in addition to a § 102(e) date of April 8, 2002.

The present application claims priority dates of January 25, February 8, 12 and 13, 2002, each of which is prior to the October 24, 2002 §102(a) date and the April 8, 2002 §102(e) date of WO '795. To remove WO '795 as prior art against the present claims, Applicants submit herewith verified English translations of their six priority documents. Section 112 support for the present claims in the priority documents is shown in the following chart:

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Present Claim 1	JP 2002-017016 It is believed that the magenta dyes of Formula (1) inherently have an absorption maximum in a spectral range of from 500 to 580 nm in an aqueous medium and an oxidation potential of more positive than 1.0V(vs SCE).	JP 2002-017066 It is believed that the magenta dyes of Formula (1) inherently have an absorption maximum in a spectral range of from 500 to 580 nm in an aqueous medium and an oxidation potential of more positive than 1.0V(vs SCE).	JP 2002-01733 It is believed that the magenta dyes of Formula (1) inherently have an absorption maximum in a spectral range of from 500 to 580 nm in an aqueous medium and an oxidation potential of more positive than 1.0V(vs SCE).	JP 2002-032843 It is believed that the magenta dyes of Formula (1) inherently have an absorption maximum in a spectral range of from 500 to 580 nm in an aqueous medium and an oxidation potential of more positive than 1.0V(vs SCE).	JP 2002-34363 It is believed that the magenta dyes of Formula (1) inherently have an absorption maximum in a spectral range of from 500 to 580 nm in an aqueous medium and an oxidation potential of more positive than 1.0V(vs SCE).	JP 2002-035277 It is believed that the magenta dyes of Formula (1) inherently have an absorption maximum in a spectral range of from 500 to 580 nm in an aqueous medium and an oxidation potential of more positive than 1.0V(vs SCE).
4	See claim 1. It is believed that the azo dyes of Formula (1) inherently satisfy the requirement that the azo dye have one of an aromatic cyclic amino group and a heterocyclic amino group-containing structure as an auxochrome.	See claim 1. It is believed that the azo dyes of Formula (1) inherently satisfy the requirement that the azo dye have one of an aromatic cyclic amino group and a heterocyclic amino group-containing structure as an auxochrome.	See claim 1. It is believed that the azo dyes of Formula (1) inherently satisfy the requirement that the azo dye have one of an aromatic cyclic amino group and a heterocyclic amino group-containing structure as an auxochrome.	See claim 1. It is believed that the azo dyes of Formula (1) inherently satisfy the requirement that the azo dye have one of an aromatic cyclic amino group and a heterocyclic amino group-containing structure as an auxochrome.	See claim 1. It is believed that the azo dyes of Formula (1) inherently satisfy the requirement that the azo dye have one of an aromatic cyclic amino group and a heterocyclic amino group-containing structure as an auxochrome.	See claim 1. It is believed that the azo dyes of Formula (1) inherently satisfy the requirement that the azo dye have one of an aromatic cyclic amino group and a heterocyclic amino group-containing structure as an auxochrome.
5						
7	See the ozone fastness results for the inks (102 to 105) of the present	See the ozone fastness results for inventive ink sets 101 to 105 in the	See the ozone fastness results for inventive ink sets 301 to 304 in the		See the ozone gas fastness results for inventive ink sets 101 to 103 in the	See the ozone fastness results for inventive examples 1 and 2 in the Table

Present Claim	JP 2002-017016 invention in the Table at page 47.	JP 2002-017066 Table at page 53 and for inventive ink sets 201 to 206 in the Table at page 59.	JP 2002-01733 Table at page 55.	JP 2002-032843	JP 2002-34363 Table at page 56.	JP 2002-035277 at page 53.
8		See claim 1.				
9			See claim 1.			
10	See claim 1.					
11					See claim 1.	
12		See the fine line bleeding (i) and (ii) results for the inventive ink sets 101 to 105 and 201 to 206 in the Tables at pages 53 and 59, respectively.	See the fine line bleeding results (i) and (ii) for inventive ink sets 301 to 304 in the Table at page 55.			
13		See the fine line bleeding (i) and (ii) results for the inventive ink sets 101 to 105 and 201 to 206 in the Tables at pages 53 and 59, respectively.	See the fine line bleeding results (i) and (ii) for inventive ink sets 301 to 304 in the Table at page 55.			
14						See claim 1. See also page 34, line 21 to page 35, line 25.
15				See claim 1.		
16	Support for claim 16 is the same as support for claim 17, below.	Support for claim 16 is the same as support for claim 17, below.	Support for claim 16 is the same as support for claim 17, below.	Support for claim 16 is the same as support for claim 17, below.	Support for claim 16 is the same as support for claim 17, below.	Support for claim 16 is the same as support for claim 17, below.

Present Claim 17	JP 2002-017016 See claim 3.	JP 2002-017066 See claim 3.	JP 2002-01733 See claim 4.	JP 2002-032843 See the working examples. It is believed that the ink jet paper photographic gloss paper EX produced by Fuji Photo Film Co., Ltd. has an image-receiving layer containing a white inorganic pigment particle.	JP 2002-34363 See claim 3.	JP 2002-035277 See the working examples at pages 51 and 54. It is believed that the ink jet paper photographic gloss paper EX produced by Fuji Photo Film Co., Ltd., the PM photo-graphic paper produced by Epson Co., Ltd., and the PR 101 paper produced by Canon Inc. have image-receiving layers containing a white inorganic pigment particle.
18	See page 41, third full paragraph to page 42, first full paragraph.	See page 42, third full paragraph to page 43, line 7.	See page 43, first to third full paragraphs.	See the paragraph bridging pages 44-45 and the first two full paragraphs on page 45.	See page 46, third full paragraph to the paragraph bridging pages 46-47.	See page 45, third full paragraph to the paragraph bridging pages 45-46.
19	Use of a mordant is disclosed at page 42, second through fourth full paragraphs.	Use of a mordant is disclosed at page 43, first to third full paragraphs.	Use of a mordant is disclosed at page 43, last full paragraph to page 22, first full paragraph.	Use of a mordant is disclosed at page 45, third to fifth full paragraphs.	Use of a mordant is disclosed at page 47, first three full paragraphs.	Use of a mordant is disclosed at page 46, first three full paragraphs.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the §102(e) rejection of claims 1-19 based on Fujiwara et al. WO '795.

In Paragraph No. 6 of the Action, claims 1-23 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamanouchi et al. (US 2002/0107301).

Yamanouchi et al. was filed July 17, 2001 and published August 8, 2002, prior to the January 23, 2003 effective U.S. filing date of the present application. Thus, Yamanouchi et al. has a § 102(a) date of August 8, 2002, in addition to a §102(e) of July 17, 2001.

As noted, the present application claims priority dates of January 25, February 8, 12 and 13, 2002, each of which is prior to the August 8, 2002 §102(a) date of Yamanouchi et al. To remove Yamanouchi et al. as §102(a) prior art against the present claims, Applicants submit herewith verified English translations of their priority documents. Section 112 support for the present claims in the priority documents is as shown in the chart, above. To remove Yamanouchi et al. as § 102(e) prior art in this § 103(a) rejection, Applicants provide the following statement that the present invention and Yamanouchi et al. were owned by the same assignee, i.e., Fuji Photo Film Co., Ltd., at the time the present invention was made:

**Statement of Common Ownership**

The present invention and Yamanouchi et al. were owned by the same assignee, that is, Fuji Photo Film, Co. Ltd., at the time the present invention was made.<sup>1</sup>

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the §103(a) rejection of claims 1-23 based on Yamanouchi et al. U.S. '301.

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<sup>1</sup> Fuji Photo Film Co., Ltd. has recently changed its name to FUJIFILM Corporation.

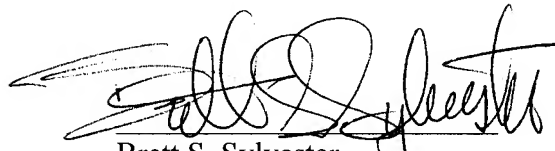
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Allowance is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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**23373**

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